

Neath Port Talbot County Borough Council

POLICY AND RESOURCES CABINET BOARD

27 July 2016

Report of the Head of Legal Services – David Michael

Matter for decision

Wards Affected:

All

Legal Services Business Plan 2016/17

Purpose of report

1. To seek endorsement from the Policy and Resources Cabinet Board of the Legal Services Business Plan for 2016/17.

Background

2. One of the requirements within the Council's Performance Management Framework is the production of business plans by heads of service.
3. The Business Plan has been constructed on the basis of reduced budget allocations to be made available to the division for 2016/17 as agreed by Council as part of its budget setting process. It covers the functions of:
 - Legal Services:-
 - Monitoring Officer
 - Litigation
 - Property and Contracts
 - Legal Services Child Care
 - Support Services
 - Local Land Charges
 - Register Office

Financial Impact

4. The budget for the listed posts of Legal Services (which exclude Licensing) for 2016/17 totals £2,029,305 net.

Equality impact assessment

5. There was no requirement for an equality impact assessment on this issue.

Workforce impacts

6. Workforce issues are dealt with in the plan itself.

Legal impacts

7. There are no legal impacts arising from this report.

Risk management

8. Risk management issues are dealt with in the plan itself.

Consultation

9. There is no requirement under the Constitution for external consultation on this item

Recommendations

10. That the Cabinet Board endorses the Legal Services Business Plan for the financial year 2016/17.

Reasons for proposed decisions

11. To allow the section to operate in line with the business plan for the 2016/17 financial year.

Implementation of decision

12. The decision is proposed for implementation after the three day call in period.

Appendices

13. Legal Services Division Business Plan 2016/17

List of background papers

14. Business Plan 2015/16

Budget Working Papers 2016/17

Officer contact

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Legal Services
Business Plan 2016/17

<u>Head of Service:</u>	David Michael
<u>Area of Responsibility:</u>	Legal Services
<u>Sponsor (Cabinet Member):</u>	Councillor Arwyn Woolcock

Introduction

This Business Plan covers the financial year 1st April 2016 to 31st March 2017. It covers the following services:

- Monitoring Officer;
- Property and Contracts;
- Litigation;
- Legal Services Child Care;
- Support Services including Local Land Charges, and
- Register Office

A separate business plan has been prepared for the Licensing Team which is also part of Legal Services.

The budget for the services covered by this business plan is £2,029,305 net.

Delivery of Priorities in 2015/16

REF	AIM	ACTION	ACHIEVEMENT
1.	Improve outcomes for children in need and children looked after.	Updating and delivering training to social workers on issues of quality and format of evidence and assessment, new developments in child protection cases in the new Unified Family Court and revision of the Public Law outline, and court skills	Training has continued to be delivered as requested by the client to fit in with its overall objectives.
2.		Senior or Principal Solicitor attending twice weekly legal surgeries with principal officers and social workers to improve decision making on individual cases; identifying cases where protective action is appropriate and reducing “drift.”.	Legal Surgeries, covering not only new potential cases but also children already in care who may no longer need to be looked after, have been successful, in avoiding drift, ensuring timely protective action is taken, and families diverted where appropriate away from formal child protection procedures

REF	AIM	ACTION	ACHIEVEMENT
3.		Piloting an in house advocate to increase the availability of early advice upon cases, consistency of approach, and to deliver savings on the cost of using external counsel. Assessment in conjunction with Social Services	After a successful pilot, the creation of an In House Advocate post was approved by personnel committee, and will be filled in 2016/17. Savings of £50k+ achieved compared to previous years
4.		Provision of accurate and timely data to the Head of Children and Young People Services to enable him to monitor and control his legal spend, and to enhance the ability to benchmark.	In general, invoices payable by Children and Young People Services have been processed promptly, and the HoS advised in advance of any large items such as QC fees
5.		Continuation of development of contracts and service level agreements for provision of early intervention and preventative services and execution of agreements both with external organisations and internal departments. Advice to be given on development of further tender exercises for remaining areas of Early Intervention and Preventative Services	Contracts for 2015/16 provided

REF	AIM	ACTION	ACHIEVEMENT
6.		In light of success of development Early Intervention and Preventative Services, advice to be provided on further tendering opportunities in children's services including those for advocacy services	Completed in May 2015
7.		Ongoing advice to be provided on contractual arrangements for children's services	Advice provided during year
8.	Raise educational standards and attainment.	Contract for new Baglan Bay School and other 21 st Century School Programme	Completed
9.		General Legal Support for schools and Directorate of Education Leisure and Lifelong Learning on contractual matters	Advice provided during year
10.		Advice on contract conditions for Transport Tender, which shall include the provision of transport services school children with the aim of development of a Dynamic Purchasing System for Transport Services	Completed in May 2016
11.		Development of contracts with providers for placement of children with educational needs	Completed in May 2016
12.		General Legal Support for schools and Directorate of Education Leisure and Lifelong Learning	General legal support for school provided. Team continues to be provider of legal advice for all schools. Conducted judicial review action on behalf of Council

REF	AIM	ACTION	ACHIEVEMENT
13.	Maximise the number of adults who are able to live independently And	Section.33 and related agreements (between ABMU and NPT, Swansea and Bridgend Councils) for Western Bay.	Agreement in place including intermediate Care Section 33 Agreement. Delay in Substance Misuse agreement due to changes in partner requirements.
14.	The provision of housing related support for the Supporting People Programme	Agreements to cover the provision and receipt of services to and from Gwalia until the decant of the care homes: 1. Receipt of meals service from Gwalia to NPT 2. Provision of transport services to Gwalia 3. Provision of certain buildings and maintenance services to Gwalia	Completed as of May 2016
15.		Supporting People Contract Extensions April 2015	Completed as of May 2016
16.		Arranging contracts for execution of extension of services for Supporting People Grant Programme for 2015/2016.	Completed as of May 2016
17.		Wallich Project Inter Authority Agreement Swansea. An inter authority agreement to cover payment and the administration of the contract between Swansea, Neath Port Talbot and Bridgend is to be entered into to cover the contract period of 2015-2016.	Not completed – put back to 2016/17

REF	AIM	ACTION	ACHIEVEMENT
18.		Agreement to be entered into with ABMU to cover training services that NPT will provide to ABMU between 2015/2016. Agreement presently with ABMU for approval.	Completed as of May 2016
19.		Consolidation of Transport Contracts	Completed
20.		Development of a Service Level Agreement with Cyfle i Dyfu for occupation of Vocational Skills Centre and training opportunities	Completed
21.		Initial advice on new procurement methods (i.e. dynamic purchasing systems) for Direct Payments and Domiciliary Care Arrangements	Advice provided. Development to be completed in 2016/17.
22.		Support and promote economic growth regeneration etc.	Renewal Area Contracts entered into on an adhoc basis for Renewal Area construction work.
23.	Work in execution of Neath Town Centre Development documentation		Acquisition of Tesco interests and granting of lease to Wilko
24.	Advice on redevelopment of former Afan Lido Site		Advice provided
25.	Advice on operators agreement for Afan Valley Forest Centre		Completed

REF	AIM	ACTION	ACHIEVEMENT
26.		Work on acquisition of property and payment of compensation for the Peripheral Distributor Road	This will continue for the foreseeable future
27.		Advice and assistance on the Viable and Vibrant project at Port Talbot Town Centre including grant agreements and land acquisition.	Completion of purchase of Police Station and other property. Completion of contract for development of Police Station
28.		Coed Darcy southern access compensation and construction agreements.	Continuing in 2016/17
29.		Leasing playing Fields and Community Centres throughout the County Borough.	27 asset transfers to Town and Community Councils and sports clubs were completed during the financial year.
30.	Increase percentage of waste recycled	Provide legal advice and assistance for the tendering of waste services and the leasing of the MREC facility.	Advice provided
31.		Prosecutions for unauthorised waste disposal.	20 prosecutions taken
32.		Provide legal services to South West Wales Regional Waste Committee and assist in review.	Committee has not met for a considerable period but participants want to continue with it.

REF	AIM	ACTION	ACHIEVEMENT
34.	Improving customer access to services and improve efficiency	Fully integrate the Typing/Secretarial Service into Legal Service, thereby ensuring that full use (cost effectiveness) is made of them by all Legal Services colleagues.	Now integrated. Secretarial services cost centre merged with Corporate Support services
35.		Manage the administrative integration of Rights of Way/Commons searches within current Land Charges staff.	Temporary member of staff employed to work on backlog of rights of Way issues
36.		Create a more meaningful and understandable budget for all areas of the Legal Services family	Transfer of budget heads including DX to mailroom

REF	AIM	ACTION	ACHIEVEMENT
37.		Use of pdfDocs software for redaction and bundling	<p>Considerable delays were experienced in the use of document handling software purchased as part of a move towards paper light working, due to a combination of factors</p> <p>A major upgrade to that software between order and purchase, which necessitated the installation of updated software upon employee computers and, ultimately, rebuilding of IT servers</p> <p>Compatibility issues between the Oracle generated reports in Children's services records and the editing and redaction functions of the document handling software. Both of these issues have now been resolved, and training provided to staff, which should result in full use of the document handling software in 2016-17</p>

REF	AIM	ACTION	ACHIEVEMENT
38.		Establish access to NPT Legal Systems from Court at Civil Justice Centre By use of smartphone By Court wifi	No wi-fi access is available to NPT staff at the Courts themselves. However, access is available to systems through tethering Blackberrys

Priorities to be achieved during 2016/17

Priority	Actions to deliver priority	Team responsible	Timescale	Evidence
P1. Development of Western Bay Agreements including Adoption Service, Independent Family Service and Substance Misuse.	Negotiation and drafting	Property and Contract	March 2017	Conclusion of Agreements
P2. Adoption of new Members' Code of Conduct	Statutory process	Monitoring Officer	July 2016	Adoption of Code
P3. Inter Authority arrangements for supporting people Wallich project	Negotiation and drafting	Property and Contract	August 2016	Conclusion of Agreements

Priority	Actions to deliver priority	Team responsible	Timescale	Evidence
P4. Processing of outstanding Rights of Way matters.	Employment of temporary member of staff. Statutory process.	Litigation	March 2017	Processing of matters, reports to Cabinet Board
P5. Process changes to Local Searches and Enquiries system as a result of revision of Con 29	Revision to computer systems	Support Services	July 2016	Establishment of system
P6. Establishment of toolkit for recovery of costs for Environment Information Requests	Organisational and financial analysis	Support Services and Litigation	September 2016	Production of Toolkit
P7. Development of contracts with transport providers for Home to School Transport	Preparation of contracts and advice on implementation	Property and Contract	September 2016	Production of Contracts
P8. Development of Collaborative arrangements for South Wales Trunk Road Agency	Negotiations and drafting	Property and Contract	September 2016	Conclusion of Agreement
P9. Preparation of contract documentation for domiciliary care through a dynamic purchasing system	Drafting and advice	Property and Contract	October 2016 depending on instructions	Concluding draft documentation

Priority	Actions to deliver priority	Team responsible	Timescale	Evidence
P10. Preparation of documentation for the tendering of community centres and letting of community assets	Drafting and advice	Property and Contract	March 2017	Concluding draft documentation in some cases and concluding agreements in others
P11. Promote % of waste recycled by prosecution of waste offences	Prosecution	Litigation	To March 2017	Number of success rates of prosecutions
P12. Implement paper light working in Child Care Legal Team	Implementation of administrative change and use of ICT	Child Care	To March 2017	Reduction in use of paper materials
P13. Develop competence in Social Services and Well-being (Wales) Act 2014	In house and collaborative training	Child Care	To March 2017	Incorporation of Act Regulations and statutory guidance into work practices

Why adopt those priorities?

Priority Measures (2016/17)	Reasons for Priority
P1. Development of Western Bay Agreements including Adoption Service, Independent Family Service and Substance Misuse	To improve outcomes for children in need and children looked after. To facilitate collaboration between public bodies and comply with statutory requirements
P2. Adoption of new Members' Code of Conduct	To comply with statutory requirements and maintain appropriate standards of behaviour
P3. Inter Authority arrangements for supporting people Wallich project	To maximise the number of adults able to live independently and facilitate collaboration between public bodies
P4. Processing of outstanding Rights of Way matters	To comply with statutory requirements. To use reserves to deal with workloads in 2016/17 financial year and reduce workloads in future years
P5. Process changes to Local Searches and Enquiries system as a result of revision of Con 29	To comply with national changes in local enquiries, to improve customer access to services and improve efficiency
P6. Establishment of toolkit for recovery of costs for Environment Information Requests	To comply with statutory requirements and maximise income to support the Forward Financial Plan

Priority Measures (2016/17)	Reasons for Priority
P7. Development of contracts with transport providers for Home to School Transport	To raise educational standards and attainment, to document arrangements for transport and secure efficient use of resources in support of the Forward Financial Plan
P8. Development of Collaborative arrangements for South Wales Trunk Road Agency	To facilitate collaboration between public bodies and improve efficiency in the provision of highway services to the Welsh Government
P9. Preparation of contract documentation for domiciliary care through a dynamic purchasing system	To maximise the number of adults who are able to live independently
P10. Preparation of documentation for the tendering of community centres and letting of community assets	To support compliance with the Forward Financial Plan
P11. Promote % of waste recycled by prosecution of waste offences	To promote the % of waste recycled and secure compliance with legal requirements
P12. Implement paper light working in Child Care Legal Team	To improve outcome for children in need and children looked after and improve efficiency
P13. Develop competence in Social Services and Well-being (Wales) Act 2014	To improve outcome for children in need and children looked after

Priority Measures Table:

All priorities will be measured by progress towards target bearing in mind the priorities of the internal clients and the ability or willingness of other parties to make progress.

Workforce Planning	
What are the key workforce challenges for the Service?	The key workforce challenge facing Legal Services is one of capacity. Changes in working practice in the Council overall - collaboration with other public bodies, voluntary groups running facilities and sharpened procurement require more legal input when resources are being cut back. Experienced staff have been lost.
What are the longer term workforce challenges for this Service?	Redeployment to avoid compulsory redundancies mean that some staff will be practising in areas in which they are not greatly experienced. More experience will be lost over the next few years. If cut backs continue the Council will not be seen as a secure employer and there might be problems with staff retention and, if any vacancies did arise, external recruitment
What options can be taken to address these challenges?	The actions are:- <ul style="list-style-type: none"> • Ring fencing vacancies to reduce the prospect of compulsory redundancies • Targeted training opportunities • Any succession planning which might be possible • Effective communication with staff
Property Management What are the property consequences of delivering the priorities outlined in this business plan?	There are none

Mandatory Corporate Measures Table

Mandatory Corporate Measures (2016/17)	2014/15 Performance	2015/16 Performance	2016/17 Performance Target
CM01 Number of transactional services: a) Fully web enabled b) Partially web enabled	N/A	N/A	a) One. The section does not generally provide transactional services to the public
CM02 % of revenue expenditure within budget	100%	100%	100%
CM03 Amount of FFP savings at risk	Nil	Nil	Approximately half of savings not identified
CM04 Average FTE days lost due to sickness	10.3	7.9	
CM05 % (No.) of staff performance appraisals to be completed during 2016/17	N/A	N/A	100%
CM06 Number of employees who left due to unplanned departures	N/A	N/A	The suggested target of nil cannot be included as it is outside the control of the Head of Service and assumes that no staff will leave for employment elsewhere.

Mandatory Corporate Measures (2016/17)	2014/15 Performance	2015/16 Performance	2016/17 Performance Target
CM07 Total number of complaints: Internal External	2 2	1 1	
CM08 Total number of compliments: Internal External	192 for whole Directorate. Unable to split	226 for whole Directorate. Unable to split	
CM09 % (No) of services measuring customer satisfaction			Register office only since it provides services entirely to the public
CM10 % (No) of service report cards to be produced by 31.3.17			100%

Ref	Risk Description	Likelihood Score	Impact Score	Total Score	Proximity	Mitigating Action	Target Date	Risk Owner
CS21	Legal Services - Demands on the service will rise due to unforeseen external changes.	4	4	16 - H	1	Efforts will be made to mitigate this by developing greater efficiency and early identification of new developments. Staff have had to review extensive documentation at very short notice.	from 01.04.16 on-going	Head of Legal Services
CS22	Legal Services - Demands on the service increase as a consequence of changes elsewhere within the council.	4	2	8 - M	1	Early and ongoing dialogue with colleagues to identify and agree where support needs to be prioritised.	from 01.04.16 on-going	Head of Legal Services
CS23	Legal Services - Service quality and availability is compromised due to strain on staff.	4	4	16 - H	1	Continue to build on staff communication and engagement activities and ensure all staff are receiving suitable support.	from 01.04.16 on-going	Head of Legal Services
CS24	Legal Services - Late receipt of instructions - reports to Cabinet and other Committees are often only available for review shortly before Committee deadlines and it is therefore difficult to give anything other than basic	2	5	10 - M	1	Seek legal advice at early stage, prior to report writing	On-going	Corporate

	advice.							
Ref	Risk Description	Likelihood Score	Impact Score	Total Score	Proximity	Mitigating Action	Target Date	Risk Owner
CS25	Legal Services - Combination of factors will lead to a depletion of staff in the Register Office during the year which will have an effect on service delivery.	2	2	4 - L	1	Employment of temporary member of staff to enhance capacity.	from 01.04.16 on-going	Head of Legal Services